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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,703	08/10/2001	Hideo Kawamura	KAWAMURA=67	4228

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EXAMINER

NGUYEN, TRAN N

ART UNIT PAPER NUMBER

2834

DATE MAILED: 05/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/925,703	Applicant(s) KAWAMURA, HIDEO	
	Examiner Tran N. Nguyen	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) 1-40 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of the following informalities: all through the specification describes the permeable piece (17, 17a) as simply ***permeable piece***, this description is unclear, because the definition of *permeable* (*adjective*) *that can be permeated or penetrated, especially by liquids or gases: permeable membranes; rock that is permeable by water.*¹

Thus, permeable piece (17, 17a) of annular member (7, 7a) is unclear to be a gas, a water or a magnetic flux permeable piece. Clarification and appropriate correction is required.

Because of the lengthy specification in this application, it has not been checked to the extent necessary to determine the presence of all possible minor and informal errors. Applicant's cooperation is therefore requested in promptly correcting any errors of which the applicant may become aware of in the specification and/or the drawings.

Note: *in light of the understanding in the art*, the disclosed "***permeable piece*** (17, 17a)" properly is a magnetic flux permeable piece. However, the applicant is requested to point out the *exact page and line numbers in the specification* where the "***permeable piece***" is disclosed as *a magnetic flux permeable piece*, in order to avoid any possibilities of introducing new subject matter.

¹ The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Election/Restriction

Applicant's election of **claims 1, 35-40** that are corresponding to figures 7-14, is acknowledged.

The applicant provide the reason for traversing the restriction requirement by arguing that the second paragraph of MPEP 803 which requires the examination of plural inventions (e.g. plural species), **even though the requirement is correct**, if it would not constitute a "*serious burden*" to search and examine such plural inventions. **Even though the present species may indeed be patentably distinct from one another**, applicant believes that they are sufficiently similar so that a single search and examination can be carried out without serious burden.

In response to the applicant argument, first of all the applicant's statement: "**(even though) the requirement is correct**" and "**(Even though) the present species may indeed be patentably distinct from one another**" confirms that the restriction requirement is proper. By admitting that the present species may indeed be patentably distinct from one another, the applicant agrees that the restriction requirement is correct. In fact, as support evidence that the restriction requirement is correct, there are not two, not three, but four Japanese applications, which are submitted for foreign priority dates, relate to this one-single present patent application.

The applicant merely states that "applicant believes that they are sufficiently similar so that a single search and examination can be carried out without serious burden". Without providing any persuasive reasoning that how sufficiently the species are similar, the argument is unconvincing.

However, upon the allowance of a generic claim 1, the applicant is hereby entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

Because the generic claim 1 is allowable, claims 2-40 are hereby being prosecuted on the merit.

Claim Objections

2. Claims 1-40 are objected for the following formal matters:

Among claims 1-40:

the term “*rpm*” should be completely spelled out at least once in claim 1;

the terms “*desire*”, “*desired*” and “*preselected desired*” are relative terms. They should be changed to “**predetermined**”;

the phrase “*go too higher*” is a relative, it should be changed to “**exceed a predetermined rpm**”

the term “*permeable piece*” should be changed to “**magnetic permeable piece**”

Among claims 1-40, there are several alternative recitations that should be changed for clarification, below are few, but not all, alternative recitations that are suggested to be changed:

the phrase “*connecting in series and/or in parallel*” is not clear, it should be changed to “**connecting in one configuration of series and parallel**” (occurs at least once in claim 12);

the phrase “to give either a constant voltage or a constant torque” should be changed to “**to give one of a constant voltage and a constant torque**”

the term “*so on*” (occurs at least once in claims 26, 35) should be deleted.

The applicant’s cooperation is requested to check claims 1-40 for any of the above formal matters and to amend accordingly, without adding any new issue/limitation because this application is in condition for allowance except for the above formal matters.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Allowable Subject Matter

Claims 1-40 are allowed.

Reason for Allowability

The following is an examiner's statement of reasons for allowance: the primary reason for the allowance is the including, in combination with other limitations recited in the claims, the limitations of a magnetic flux control means for a permanent-magnet motor-generator, comprising a rotor supported for rotation in a stator housing and composed of more than one permanent-magnet piece arranged circumferentially in a way spaced apart from each other, a stator fixed to the stator housing to surround around an outside periphery of the rotor and composed of a stator core with teeth providing sequential slots, and windings laid in the slots, an annular member arranged in close contact with the stator for angular movement with keeping sliding contact with the stator, a driving means to move the annular member with respect to the stator, and a controller for energizing the driving means in response to revolution per minutes (rpm) of the rotor to control a position of the annular member relatively to the stator, thereby regulating a magnetic flux density in the teeth of the stator to give a preselected desired voltage.

Comparing to the prior-art of the record, none of the prior art references of the record, either stand alone or in combination, has taught or suggest the above-mentioned features, particularly the *annular member arranged in close contact with the stator for angular movement with keeping sliding contact with the stator, a driving means to move the annular member with respect to the stator, and a controller for energizing the driving means in response to revolution per minutes (rpm) of the rotor to control a position of the annular member relatively to the stator* in combination with other limitations recited in the claims.

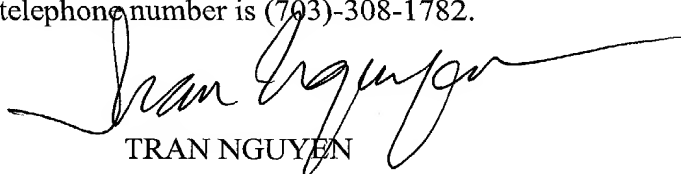
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.



TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800